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11/14/01  
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UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

JASON TRAVIS STEVENS,

Plaintiff

v.

KATHLEEN M. HAWK-SAWYER, ET AL.,

Defendants

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CIVIL NO. 1:CV-01-0907

(Judge Kane)

**FILED**  
HARRISBURG, PA

NOV 15 2001

ORDER

MARY E. D'ANDREA, CLERK  
Per [Signature]  
Deputy Clerk

Background

Plaintiff, an inmate at the Allenwood United States Penitentiary, White Deer, Pennsylvania, filed this Bivens<sup>1</sup>-type action pursuant to 28 U.S.C. § 1331.

On November 5, 2001, plaintiff filed a notice with the court in which he seeks to "withdraw and dismiss his complaint". (Doc. No. 32). Plaintiff's request will be construed as a motion for voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(i).<sup>2</sup> The court will grant Stevens' motion and his case

1. Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). Bivens stands for the proposition that "a citizen suffering a compensable injury to a constitutionally protected interest could invoke the general federal question jurisdiction of the district court to obtain an award of monetary damages against the responsible federal official." Butz v. Economou, 438 U.S. 478, 504 (1978).

2. Federal Rule of Civil Procedure 41(a)(1) provides: "[A]n action may be dismissed by the plaintiff without order of the court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs, or (ii) by filing a

Certified from the record  
Date 11-15-01

Mary E. D'Andrea, Clerk

Per [Signature]

will be dismissed without prejudice to plaintiff's renewal of his claims.

Stevens is forewarned that renewal of his claims is subject to Pennsylvania's statute of limitations for a personal injury action. See Wilson v. Garcia, 471 U.S. 261, 276 (1985). An appropriate order will enter.

ACCORDINGLY, THIS <sup>9<sup>th</sup></sup> DAY OF NOVEMBER, 2001, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff's notice to withdraw, without prejudice, (Doc. No. 32) is construed as a motion for voluntary dismissal of his federal claims pursuant to Federal Rule of Civil Procedure 41(a)(1)(i).
2. The plaintiff's motion is granted, without prejudice.
3. Defendants' motion to dismiss (Doc. No. 25) is dismissed as moot.
4. The Clerk of Court is directed to close this case.



YVETTE KANE  
United States District Judge

YK:dlb

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stipulation of dismissal signed by all parties who have appeared in the action. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of the United States or of any state an action based on or including the same claim.

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

November 15, 2001

Re: 1:01-cv-00907 Stevens v. Hawk-Sawyer

True and correct copies of the attached were mailed by the clerk  
to the following:

Jason Travis Stevens  
USP-Allenwood  
10182-036  
PO Box 3000  
White Deer, PA 17887

Joseph J. Terz, Esq.  
U.S. Attorney's Office  
Room 217, Federal Building  
228 Walnut St.  
Harrisburg, PA 17108

cc:

Judge  
Magistrate Judge  
U.S. Marshal  
Probation  
U.S. Attorney  
Atty. for Deft.  
Defendant  
Warden  
Bureau of Prisons  
Ct Reporter  
Ctroom Deputy  
Orig-Security  
Federal Public Defender  
Summons Issued

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(☒) Pro Se Law Clerk  
( ) INS  
( ) Jury Clerk

Standard Order 93-5  
Order to Show Cause

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with N/C attached to complt. and served by:  
U.S. Marshal ( ) Pltf's Attorney ( )

with Petition attached & mailed certified mail  
to: US Atty Gen ( ) PA Atty Gen ( )  
DA of County ( ) Respondents ( )

Bankruptcy Court  
Other \_\_\_\_\_

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( )

MARY E. D'ANDREA, Clerk

11-15-01

